

**REMARKS**

In the non-final Office Action, the Examiner rejects claims 1-3, 6, 7, 9-14, 16, and 17 under 35 U.S.C. § 102(e) as anticipated by KARVE (U.S. Patent Application Publication No. 2002/0137530); rejects claim 4 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of DEHLIN (U.S. Patent Application Publication No. 2004/0203942); and rejects claim 5 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of SABO et al. (U.S. Patent Application Publication No. 2003/0096626). Applicants respectfully traverse these rejections with respect to the claims, as currently presented.<sup>1</sup>

By the present amendment, Applicants cancel claims 11 and 14 without prejudice or disclaimer and amend claims 9, 10, and 12 to improve form. No new matter has been added. Claims 1-7, 9, 10, 12, 13, 16, and 17 are pending.

REJECTION BASED ON KARVE

Pending claims 1-3, 6, 7, 9, 10, 12, 13, 16, and 17 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by KARVE. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. KARVE does not disclose or suggest the combination of features recited in claims 1-3, 6, 7, 9, 10, 12, 13, 16, and 17.

---

<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is

For example, independent claim 1 is directed to a method for providing SMS messages to a receiving party associated with a plurality of devices. The method includes receiving a SMS message for a first device of the plurality of devices; identifying a second device of the plurality of devices as a preferred device for receiving the SMS message based on information stored by the receiving party; formatting the SMS message according to characteristics of the preferred device; and sending the formatted message to the preferred device. KARVE does not disclose or suggest this combination of features.

For example, KARVE does not disclose or suggest formatting the SMS message according to characteristics of the preferred device. The Examiner relies on para. 0028 of KARVE for allegedly disclosing this feature (Office Action, pg. 3). Applicants respectfully disagree with the Examiner's interpretation of KARVE.

At para. 0028, KARVE discloses:

The telephone 10 is capable of receiving a SMS short message, also known as a Protocol Data Unit (PDU). A short message includes two parts, header information and short message text, which is also referred to as the user data. The header parameters include the address of the SMS Center to which the short message is to be sent, a Destination Address field denoting the final recipient of the short message, and the Originating Address, which is the address of the sender of the short message. The short message is sent from a mobile telephone or other device to an SMS Center. The SMS center looks at the header information, adds some additional header information, and then tries to send the user data to the recipient or destination address. The format of short messages, sending and receiving of short messages, and the operations of SMS centers are well known to those of skill in the art.

---

not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

While this section of KARVE does mention the word "format" (this section of KARVE discloses that the format of short messages is well known), this section of KARVE does not relate to formatting a SMS message according to characteristics of a preferred device, as required by claim 1. As set forth, for example, in Applicants' specification, a SMS message may be formatted as an SMS message, an e-mail message, an instant messaging message, a voice mail, or a text message for display by digital companion client software of a terminal (see, for example, para. 0094). Neither the above section of KARVE nor any other section of KARVE discloses or suggests formatting a SMS message according to characteristics of a preferred device, as required by claim 1.

Applicants respectfully request that the Examiner either explain how the above section of KARVE can reasonably be construed as disclosing formatting a SMS message according to characteristics of a preferred device, as required by claim 1, or withdraw the rejection.

Since KARVE does not disclose all of the features of claim 1, KARVE cannot anticipate claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by KARVE.

Claims 2, 3, 6, and 7 depend from claim 1. Therefore, these claims are not anticipated by KARVE for at least the reasons given above with respect to claim 1.<sup>2</sup> Moreover, these claims recite additional features not disclosed or suggested by KARVE.

---

<sup>2</sup> As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

For example, claim 3 recites that the sending the formatted message comprises sending the formatted message to an e-mail address. The Examiner relies on paras. 0008 and 0015 of KARVE for allegedly disclosing this feature (Office Action, pg. 4). Applicants respectfully disagree with the Examiner's interpretation of KARVE.

At para. 0008, KARVE discloses:

Short messages can be sent and received simultaneously with GSM voice, data and fax calls because short messages travel over and above the radio channel using the signaling path. To use SMS, users need a subscription to a mobile telephone network that supports SMS and a mobile phone that supports SMS. SMS messages are usually sent between mobile phones. However, messages can also be sent to/from a fax machine, a PC or an Internet address.

This section of KARVE discloses that short messages can be sent to/from a fax machine, a personal computer (PC), or an Internet address. This section of KARVE does not disclose or suggest sending the formatted message to an e-mail address, as required by claim 3.

At para. 0015, KARVE discloses:

It would be beneficial if SMS messages could be forwarded in the same or a similar manner as conventional email messages. Accordingly, in one embodiment, the present invention provides a mobile communications device that supports Short Message Service (SMS), the device including means for receiving a SMS short message and program code for forwarding the received short message from the mobile communications device to another device.

This section of KARVE discloses that it would be beneficial to be able to forward SMS messages in the same or similar manner as conventional e-mail messages. This section of KARVE does not disclose or suggest sending the formatted message to an e-mail address, as required by claim 3.

For at least the foregoing reasons, Applicants submit that claim 3 is not anticipated by KARVE.

Claim 7 recites storing messages in a database when the preferred device is not available to receive messages. The Examiner relies on para. 0030 of KARVE for allegedly disclosing this feature (Office Action, pg. 4). Applicants respectfully disagree with the Examiner's interpretation of KARVE.

At para. 0030, KARVE discloses:

The sequence of steps begins with the telephone 10 receiving a short message as indicated at 30. Once a short message is received, the message can be immediately displayed on the screen 12 or an icon indicating receipt of the message can be displayed or otherwise indicated to the user. In either case, the message is stored in the memory 24. When the user desires to read the message, the user issues the appropriate commands as understood by those of ordinary skill in the art, until the message is displayed on the screen, step 32. At step 34, the program code of the present invention offers a plurality of options to the user. A first option, step 36, is to save the message, in which case the message is saved in the memory 24. Once the message is saved, the message forwarding routine proceeds to an end step 48. A second option, step 38, is to delete the message, in which case the message is not saved to the memory 24. Like the save message step 36, the delete message step 38 is proceeded by the end step 48.

This section of KARVE discloses that a user may elect to store received SMS messages. This section of KARVE does not disclose or suggest storing messages in a database when the preferred device is not available, as required by claim 7.

For at least the foregoing reasons, Applicants submit that claim 7 is not anticipated by KARVE.

Independent claims 9, 12, and 16 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claims

9, 12, and 16 are not anticipated by KARVE for at least reasons similar to reasons given above with respect to claim 1.

Claim 10 depends from claim 9. Therefore, this claim is not anticipated by KARVE for at least the reasons given above with respect to claim 9. Moreover, this claim is not anticipated by KARVE for reasons of its own.

Claim 10 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 7. Therefore, Applicants submit that claim 10 is not anticipated by KARVE for at least reasons similar to reasons given above with respect to claim 7.

Claim 13 depends from claim 12. Therefore, this claim is not anticipated by KARVE for at least the reasons given above with respect to claim 12. Moreover, this claim is not anticipated by KARVE for reasons of its own.

Claim 13 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 7. Therefore, Applicants submit that claim 13 is not anticipated by KARVE for at least reasons similar to reasons given above with respect to claim 7.

Claim 17 depends from claim 16. Therefore, this claim is not anticipated by KARVE for at least the reasons given above with respect to claim 16.

#### REJECTION BASED ON KARVE AND DEHLIN

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of DEHLIN. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. The disclosure of DEHLIN does not remedy the deficiencies in the disclosure of KARVE set forth above with respect to claim 1. Therefore,

Applicants submit that claim 4 is patentable over KARVE and DEHLIN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

REJECTION BASED ON KARVE AND SABO ET AL.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of SABO et al. Applicants respectfully traverse this rejection.

Claim 5 depends from claim 1. The disclosure of SABO et al. does not remedy the deficiencies in the disclosure of KARVE set forth above with respect to claim 1. Therefore, Applicants submit that claim 5 is patentable over KARVE and SABO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find that some issue remains unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /John E. Harrity/  
John E. Harrity  
Registration No. 43,367

Date: September 7, 2006

11350 Random Hills Road  
Suite 600  
Fairfax, Virginia 22030  
(571) 432-0800

Customer Number: 25537